IN RE: PETITION FOR ZONING VARIANCE W/S Gerst Avenue, 1260' +/- W of c/l of Silver Spring Road \* (8738 Gerst Avenue) 11th Election District 5th Councilmanic District

William H. Wychulis, et ux

Petitioners

DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 88-337-A

FINDINGS OF 'CT AND CONCLUSIONS OF LAW

. . . . . . . . . . . .

The Petitioners herein request a variance to permit a side yard setback of 3 feet in lieu of the required 10 feet for Lot #1 and a lot width of 51.20 feet in lieu of the required 55 feet for Lot #1, both as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. Frank S. Lee, a registered surveyor appeared and testified on behalf of the Petition. There were no Protes-

Testimony indicated that the Petitioners have owned the subject property, zoned D.R. 5.5, for 30 years. The property is currently improved with an existing dwelling. The Petitioners propose subdividing the property into three lots to create two building lots in the rear of the property for their two sons. Testimony indicated that preliminary approval of the proposed subdivision was granted by the Department of Environmental Protection and Resource Management on September 15, 1987. The Petitioners testified that the requested variances are necessary for proposed Lot #1, which is improved with the existing dwelling, in order to transfer two 12-foot strips as required for the panhandle access roads to proposed Lots #2 and #3. The Petitioners further testified that they have discussed the matter with the surrounding neighbors who indicated they have no objection to their proposal. The Petitioners contended that requiring strict compliance with the zoning regulations would create an unreasonable hardship on them due to the unique characteristics of the lot and the required transfer of

Registered Land Surveyor 1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

September 1, 1987

No. 3738 Gerst Avenue 11th District Baltimore County, Maryland

Beginning for the same on the west side of Gerst Avenue at the distance of 1260 feet more or less measured along the west side of Gerst Avenue from the center of Silver Spring Road, thence running and binding on the west side of Gerst Avenue North 6 degrees 00 minutes East 75.20 feet, thence leaving Gerst Avenue and running for three lines of division as follows: North 79 dagress 11 minutes West 465.47 feet, South 6 degrees 00 minutes West 114.29 feet and South 84 degrees 00 minutes East 463.83 feet to the place of beginning.

Containing 1 acre of land more or less.



the two 12-foot strips for Lots #2 and #3.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Deputy Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Voning Regulations (B.C.Z.R.) and therefore, the variances should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Deputy Zoning Commissioner, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore ay of March, 1988 that a side yard setback of 3 feet in lieu the required 10 feet for Lot #1 and a lot width of 51.20 feet in lieu of the required 55 feet for Lot #1, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, sub-Jact, however, to the following restriction:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > ANN M. NASTAROWICZ
> > Deputy Zoning Commissioner of Baltimore County

March 8, 1988

Mr. William H. Wychulis 8738 Gerst Avenue Perry Hall, Maryland 21128

RE: Petition for Zoning Variance W/S Gerst Avenue, 1260' +/+ of the c/1 of Silver Spring Road 11th Election District - 5th Councilmanic District Case No. 88-337-A

Dear Mr. Wychulis:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bjs Enclosures

cc: People's Counsel

File

PETITION FOR ZONING VANIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1, to permit a side yard setback of 3 feet in lieu of the required 10 feet. Also, allow a lot width of 51.20 feet in lieu of the required 55 feet (Lot 1). of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Due to original lot layout and dimension, in addition to proposed subdivision requirements; it is impossible to comply with zoning regulations for lot width and side yard setback for Lot No. BF. N-33,520 Property is to be posted and advertised as prescribed by Zoning Regulations. E-43,300 I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: William H. Wychulis (Tyre or Frint Name) (Type or Print Name) City and State Attorney for Palitioner: 8738 Gerst Avenue (Type or Prail (Same) Perry Hall, Md. 21128 Name, address and phone number of jegal owner, con-City and State Attorney's Telephone No.: \_\_\_\_\_ ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_\_ day o'clock

> Zoning Commissioner of Baltimore County. ME THE METINE TO INSURE PHOPE CHEDIT HETURN THIS PORTION WITH YOUR PAYMENT TO The Avenue inc. P.O. Box 7889 Baltir.ore, MD. 21221

Avenue Inc. 442 Eastern Blvd. P.O. Box 7889 Baltimore, MD. 21221 687-7775

TOWSON

ROBYN CLARK PO#97383

ZONING OFFICE ROOM 113 111 WEST CHESAPEARE AVE

21204

PAYMENTS DUE GOON RECEIPT 19% INTEREST WILL BE CHARGED TO ACCOUNTS OVER 30 DAYS OLD.

5-Y-4-EMERA - 5-14-4 - 4-1-4-4 - 4-1-4-4 02/11/88 494.3047

02/11/88 494.3047 ( RUBYN CLARK PD#7/38

> AMOUNT DUE DAYS PIONE PARTIE

DESCRIPTION 46,20 75890 46.20 1X6 2/11/88 75890 64 PLEASE CHECK INCHS BEING PAIL REMITTANCE ADVICE TRANSACTIONS AFTER STATEMENT DATE WILL APPEAR ON NEXT STATEMENT

CERTIFICATE OF POSTING 16 DEPARTMENT OF BALTIMORE COUNTY William H. Wychuliz, et, ex wy w/s Gent Ats, 1260/ silver spring file Location of Signer Factory Gory to Array Gornory 10' Fr. mg dwing, and

10

PUBLICATION

OF

CERTIFICATE

51 20 test in best of the required 5

in the event that this Petition i

granted, a bushing pertist may be secured within the the ty (30) day op-

summer will, however entertain any request for a stay of the mountain of and permit during this period for good cause shown. Such request must be in writing and received in

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zunung Communities of Rai-turiore County by authority of the Zunung Act and Regulations of Balti-more County, will hold a public THIS IS TO CERUIFY, that the annexed advertisement was hearing on the property identified herein in Rosen life of the County Other Building, breated at 111 W. Chesapeake Avenue in Towson, published in THE JEFFERSONIAN, a weekly newspaper printed Mer tend as follows: Cam munber: 88-337-A and published in Towson, Baltimore County, Md., appearing on Protein for Coning Variance
WS Caret Avenue, 1267 x c4 Salver
Spring Road (8738 Coret Avet-16, 11, 19. S.S 11th Election District -- 5th Council manu: District Pressurere: William H. Wychulas, et DATE/TIME: Fruity, March 4, 198 \*FOR SNOW DATE CALL (\*\*\*-32\*) THE JEFFERSONIAN. Variance to permit a side yard set-back of 3 test in here of the required

Missacra Sapulisher ) A day of t

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 494-3353

J. Robert Haines

December 14, 1987

FEB. 23 1988

Mr. William H. Wychulis 8738 Gerst Avenue

Perry Hall, Maryland 21128

RE: William H. Wychulis, et ux
W/S Gerst Avenue, 1260' + c/1
Silver Spring Road '8738 Gerst Avenue)
Petition for Zoning ariance Case No. 88-337-A

Dear Mr. Wychulis:

Please be advised that 95.16 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

*		
ALTIMORE COUL OFFICE OF FINANCE MISCELLANEOUS	REVENUE DIVISION STATE RELEASE	rs,
BATE 3/4/8	8 ACCOUNT 01-615-000	
	AMOUNT \$ 95.16	— ES ioner of
RECEIVED FROM:	jchules	ty
FOR Solar	7 alex 3/4/88 Nearing	
	8 8010 *** ** \$ \$ \$ \$ 335- A	
	VALIDATION OR SIGNATURE OF CASHIER	-

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Rohert Haines
Zoning Commissiones

Dennis F. Rasmussen
County Executive

December 23, 1987



Re: Hearing Notice Correction

Mr. William H. Wychulis

Perry Hall, Maryland 21128

8738 Gerst Avenue

Dear Mr. Wychulist

In reference to Case Number: 88-337-A , please note that the Hearing Notice should read as follows:

DAY: Friday

DATE: March 4, 1988 TIME: 9:00 a.m.

OFFICE OF ZONING Baltimore County (301) 494-3394

Baltimore County

494-4500

Paul H. Reincke Chief

J. Robert Haines

Zoning Commissioner

Towson, MD 21204

Office of Planning and Zoning Baltimore County Office Building

Re: Property Owner: William H. Wychulis, et ux

Location: W/S Gerst Avenue, 1260' +- c/l Silver Spring Road

Fire Department Towson, Maryland 21204-2586

Baltimore County
Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

NOTICE OF HEARING



COUNTY OFFICE SIDG. 111 M. Chesapeake Ave. Towson, Maryland 21264

Bureau of Engineering

Department of Traffic Engineering

Bureau of Fire Prevention

Health Pepartment

Project Planning

Building Department

Board of Education

Industrial Development

Soning Administration

State Roads Commission

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeak? Avenue in Towson, Maryland as follows:

Care number: 88-337-A Petition for Zoning Variance W/S Cerst Avenue, 1260'± c/1 Silver Spring Road (8738 Gerst Avenue) 11th Election District - 5th Councilmanic District Petitioners: William H. Wychulis, et ux DATE/TIME: THESTAY, MARCH 4, 1998 at 9:00 a.m.

Variance to permit a side yard setback of 3 feet in lieu of the required 10 feet. Also, allow a lot width of 51.20 feet in lieu of the required 55 feet (Lot 1).

g permit may be issued within ioner will, however, entertain TIMORE COUNTY, MARYLAND ICT OF FINANCE - REVENUE DIVISION during this period for good ived in this office by the date CE'LANEOUS CASH RECEIPT 000-615 11-10-87 even Ara + Ma W. U. Wychulca 177 Burn Varina 0735\*\*\*\*\*\*\$\$jāja 21025 VALIDATION OR SIGNATURE OF CASHIER

British Market et his manual to the testion of the section of the

Dennis F. Rusm issen County Executive

November 25, 1987

INTER-OFFICE CORPESPONDENCE

Hr. J. Robert Haines TO Zoning Commissioner

January 28, 1988

P. David Fields FROM Director of Planning and Zoning

PDG:JCH:dme

BALTIMORE COUNTY, MARYLAND

SUBJECT Zoning Petition Nos. 88-337-A and 88-338-SPH

There are no comprehensive planning factors requiring comment on this

P. David Fields per Houvell

c: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 14th day of December

The Bureau of Traffic Engineering has no comment for items number 177, 178, 179, 180, 181, 182, and 183.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Mr. William H. Wychulis

Perry Hall, Maryland 21128

8738 Gerst Avenue

Dear Mr. Wychulis:

JED:kkb

Raltimore County

Department of Public Works

Bureau of Traffic Engineering Courts Building, Suite 405

Mr. J. Robert Haines

Dear Mr. Haines:

MJF:sb

88-337-A

Zoning Commissioner County Office Building Towson, Maryland 21204

Towson, Maryland 21204

Enclosures

cc: Frank S. Lee

1277 Neighbors Avenue

Baltimore, Maryland 21237

February 18, 1988

The Zoning Plans Advisory Committee has reviewed the plans submit-

ted with the above-referenced petition. The following comments

are not intended to indicate the appropriateness of the zoning

action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the muitability of the requested zoning.

Enclosed are all comments submitted from the members of the

Committee at this time that offer or request information on your

petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This

petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer

Zoning Flans Advisory Committee

December 2, 1987

Very truly yours.

Michael S. Flanigan Traffic Engineer Associate II

Chairman

RE: Item No. 179 - Case No. 88-337-A

Petition for Zoning Variance

Petitioner: William H. Wychulis, et ux

A. ROBERT HAIRES
ZONING COMMISSIONER

Petitioner William H. Wychulis, et ux Received by: Jares B. Dyer Petitioner's Attorney

Chairman, Zoning Plans Advisory Committee

LOT3. 71.64

The state of the s

Zoning Agenda: Meeting of 11/24/87 Item No.: 179 Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. ( x) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 750 feet along an approved road in accor-dance with Baltimore County Standards as published by the Department of Public Works. And within 500° of c/1 of any dwelling unit ( ) 2. A second means of vehicle access is required for the site. ( ) 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department. (  $_{
m X}$ ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. 16' panhandle road required. ( X ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy. ( ) 6. Site plans are approved, as drawn. ( ) 7. The Fire Prevention Bureau has no community PEVIEWIR: Cit On Atelly 11-25-17 Approved: Planting/Group / Special Inspection Division Fire Prevention Bureau